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1 RECORD OF ORAL HEARING
2 UNITED STATES PATENT AND TRADEMARK OFFICE

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5 BEFORE THE BOARD OF PATENT APPEALS
6 AND INTERFERENCES
7 _____
8

9 Ex parte EDWARD HENDRY BAKER,
10 BRYN JAMES BALCOMBE, and HENRY BARCZYNSKI
11 _____
12

13 Appeal 2010-000337
14 Application 09/623,439
15 Technology Center 2400
16 _____
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18 Oral Hearing Held: October 12, 2010
19 _____
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21 Before JOHN C. MARTIN, THOMAS S. HAHN and
22 CARL W. WHITEHEAD, JR., Administrative Patent Judges.
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25 ON BEHALF OF THE APPELLANT:
26

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1 The above-entitled matter came on for hearing on Tuesday,
2 October 12, 2010, commencing at approximately 9:22 a.m., at the U.S.
3 Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia,
4 before Lorie B. Allen, Notary Public.

5 JUDGE MARTIN: Good morning, Mr. Articola. Do you have
6 a business card for the reporter?

7 MR. ARTICOLA: Sure do.

8 JUDGE MARTIN: All right. You may proceed.

9 MR. ARTICOLA: This Application is directed to providing
10 continuous seamless video for things like auto races. Here in the United
11 States, we typically use oval tracks, so it's not an issue. But on road courses
12 and also in Europe especially, they have courses with many different turns,
13 and go through all parts of a city or a place.

14 So you need multiple camera locations to cover the cars as
15 they're making their way through the track. So in this case, it discusses the
16 problems dealing with normal ways. We'd have a helicopter hovering over
17 the track, and there would be issues, because it's not, can't pick up the entire
18 location.

19 So get right to it, what this invention does, it provides a way to
20 monitor and provide that good video coverage of the, say the lead cars, as it
21 makes its way around the race track, from Turn 1 all the way through Turn
22 14.

23 In doing that, there are receivers positioned along the track, and
24 the receivers have a little bit of overlapping coverage, so that one can hand

1 off to the other as the car make its way past Receiver 1's coverage area to
2 Receiver 2's coverage area and so on.

3 And what happens is in the claims, say Claim 1, there is a
4 position detector which generates a position signal that's indicative of a
5 position of the mobile object, the race car. The important thing in the claims
6 is that the position signal is generated using indications other than the
7 receive video signal, and the carrier that is transmitted by the race car.

8 And that signal -- then from that, the controller selects either,
9 say Receiver 1 or Receiver 2's signal output to then provide to a television
10 broadcast. Now in the -- turning to the prior art, there's just one art cited,
11 which is Yasuyuki Suzuki. We'll call it Yasuyuki, because that's what the
12 Examiner called it and he uses his first name.

13 Yasuyuki discloses a system for transmitting TV pictures from
14 a mobile car. It also talks about the marathon, covering races on a marathon,
15 to be picked up on fixed antennas provided upon the path of the race. In
16 Yasuyuki's invention --

17 JUDGE HAHN: Counsel, excuse me. Before you get into that,
18 just so that there's clarity here on the record, we notice that there was a
19 translation that was submitted, I believe, with one of your papers, in
20 response to a final rejection that submitted a translation, and there seems to
21 be another translation in the file.

22 What's the situation on translations here, and which one are you
23 using?

24 MR. ARTICOLA: Well, I'm using the one that's attached as the
25 exhibit to the appeal brief, which is the one -- so that it's that one. It's

1 not -- it doesn't appear to be a machine language translation. It appears to
2 be, you know, a well-written translation, so to speak.

3 I'm not 100 percent sure about the other one, but this certainly
4 is not a machine language translation. I thought this was the one we
5 submitted in response to a file rejection. I could be wrong about that.

6 JUDGE HAHN: That we find. But there seems to be two
7 translations in the file.

8 MR. ARTICOLA: I think the Examiner might have used the
9 machine language one probably.

10 JUDGE HAHN: I'm not identifying that either has been labeled
11 machine language as opposed to a different translation.

12 MR. ARTICOLA: Yes, because I think we just want to clarify
13 it, the wording, that says here is a non-machine language translation, because
14 you know, the machine language ones kind of get kind of really strange.

15 JUDGE HAHN: To the best of your knowledge, has there been
16 any disagreement with the Examiner on the use of translations?

17 MR. ARTICOLA: No, no, definitely not.

18 JUDGE HAHN: Thank you.

19 MR. ARTICOLA: So there's no issues about that word means
20 this, this word means that. I don't believe so.

21 And so turning back to Yasuyuki, in this system, it talks about
22 having receivers spaced apart on the track, and it talks -- it has one drawing
23 showing receivers, R-1, R-2, R-3, R-4, R-5, and let's say the even-numbered
24 receivers transmit receive on frequency U-1 and the odd ones.

1 The other ones receive on frequency U-2. So that way, there's
2 no interference between adjacent receivers, because if one's receiving on
3 U-2, its enablers are receiving on U-1, and there's no problem in that regard.

4 Then Yasuyuki talks about using the receive signal's
5 characteristics, the burst signal rates, the frame synchronizing signal, which
6 are the receive signal, in determining which of the two receive signals, or in
7 this case it could be all five receive signals, to actually transmit to a TV
8 broadcast.

9 So our strongest argument was that that system uses
10 information that is indicative of the receive video signal, and not indicative
11 of other than the receive video signal and the carrier, in deciding which
12 signal to use for a television broadcast.

13 That's important because the -- as there are changes in weather
14 or a truck drives around a receiver, it might just lower the signal sensitivity,
15 and you get a real strange drop-off in the signal, and the TV viewer might
16 say "Oh my God, what happened? I just lost the signal."

17 So the present invention tries to get around that by using other
18 information that's not the receive signal, video signal, to provide hopefully a
19 seamless, continuous video stream of that race car as it's making its way
20 from the start to the finish of any particular lap.

21 So basically it's -- that's the, you know, we go into detail about
22 Yasuyuki, and how we interpret it as using qualities of the receive signal,
23 and not using indications other than the receive signal.

24 The spec talks about things like timing. So you could say well,
25 from Receiver 1 to Receiver 3 as they're located, we know just because of

1 the fact that there's a hairpin turn between those two receivers, the typical car
2 would take -- a Formula 1 car would take 3.5 seconds to transverse from
3 Receiver 1 to Receiver 3.

4 We could use that information to know when to switch over
5 from the signals of Receiver 1 to Receiver 2's or whatever. It also mentions
6 like a GPS capability as well, again not video signals. So, and those, I think,
7 might be independent claims. I don't recall for sure. But that's our strongest
8 argument or main argument in the rejections.

9 Then if you want, I could go into the dependent claims as well.
10 There's one claim dealing with a network. It sort of has the switching
11 capabilities of Figure 5, that has this two line switching capability, that
12 allows an easy capability switch from Receiver 1 to Receiver 2 based on
13 again, that other indication.

14 You can basically from switches or what have you, which I
15 think are pretty explicitly recited in that dependent claim. I think the
16 Examiner just sort of said, kind of gave it a sort of a brush-over rejection.
17 We said well that claim gets more than just to -- it says, it gets into some
18 details of the -- how that switching is done.

19 That's, I think, and then the other one, I think there was like
20 Dependent Claim 7, which is again, talks about the timing signal. The
21 Examiner talked about using the New 1, New 2 frequencies to provide a
22 timing of the race car.

23 Again, we say well that, that doesn't work that way. That's just
24 a carrier frequency. You really couldn't obtain a timing signal from that just

1 carrier signal, as provided from the separate receiver stations to the central
2 location in Yasuyuki.

3 That's basically it, unless you have any other questions in terms
4 of some of the details.

5 JUDGE HAHN: I have no questions.

6 JUDGE MARTIN: No questions. No further questions. Thank
7 you.

8 MR. ARTICOLA: Thank you so much.

9 Whereupon, at 9:32 a.m., the proceedings were concluded.

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